

REMARKS

The Office Action mailed April 2, 2010, has been received and reviewed. Claims 10-38 and 40-45 are currently pending in the application. Claims 10-38 and 40 are allowed. Claims 41-45 stand rejected. Applicant has amended claims 14-16 and 41-45, and respectfully requests reconsideration of the application as amended herein.

35 U.S.C. § 101 Rejection

Claims 41-45 stand rejected under 35 U.S.C. § 101, asserting that the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection, as hereinafter set forth.

The Office Action states:

Claims 41-45 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 41-45 are directed to computer readable media. However, the broadest reasonable interpretation of a computer readable media includes both non-transitory tangible media and transitory propagating signals per se. Applicant should amend the claims to include the phrase “non-transitory.” See Director Kappos letter dated 1-26-2010 to the patent community, reproduced below. (Office Action, p. 2).

Accordingly, Applicant has amended claims 41-45 herein to recite, *inter alia*, a “non-transitory computer-readable medium” Therefore, Applicant’s amended claims 41-45 are directed to statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests the rejection of claims 41-45 under 35 U.S.C. § 101 be withdrawn.

Allowed Claims

Claims 10-38 and 40 are allowed. Applicant acknowledges this indication with appreciation.

CONCLUSION

Claims 10-38 and 40-45 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned representative.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: July 1, 2010

By: _____


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